

1  
2  
3  
4  
5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Respondent, No. 2:05-cr-0113 LKK JFM

11 vs.

12 SERGIO CURIEL, SR.,

13 Movant. ORDER

14 \_\_\_\_\_ /  
15 Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set  
16 aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United  
17 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On August 5, 2011, the magistrate judge filed findings and recommendations  
19 herein which were served on all parties and which contained notice to all parties that any  
20 objections to the findings and recommendations were to be filed within fourteen days. Movant  
21 has filed objections to the findings and recommendations.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule  
23 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
24 file, the court finds the findings and recommendations to be supported by the record and by  
25 proper analysis.

26 ////

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 5, 2011, are adopted in full;
  2. Movant's August 25, 2008 amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 is denied;
  3. Movant's July 25, 2011 motion for summary judgment is denied;
  4. The district court declines to issue a certificate of appealability; and
  5. The Clerk of the Court is directed to close the companion civil case, No.

2:08-cv-0859 LKK JFM

DATED: August 25, 2011.

LAWRENCE K. KARLTON  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT